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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,615	10/02/2003	Andrea Fumagalli	139136	8933
24587	7590	02/05/2008		
ALCATEL LUCENT INTELLECTUAL PROPERTY & STANDARDS 3400 W. PLANO PARKWAY, MS LEGL2 PLANO, TX 75075			EXAMINER PHAN, HANH	
			ART UNIT 2613	PAPER NUMBER
			MAIL DATE 02/05/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/677,615

Applicant(s)

FUMAGALLI ET AL.

Examiner

Hanh Phan

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 11/21/2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Weil et al (Pub. No.: US 2002/0093954).

Regarding claims 1, 9 and 15, referring to Figures 1-4, Weil et al teaches a method for allocation of protection paths after a failure in an optical network, the method comprising:

responsive to a failure in an active lightpath, switching traffic on the active lightpath to a protection path (i.e., when a failure is detected, the traffic from the primary path is switched to the recovery path, Fig. 3, page 2, paragraph [0028] and page 3, paragraphs [0029] and [0032]-[0035] and see abstract section);

subsequent to the switching, identifying all active lightpaths in the network that no longer have an available protection path (i.e., after failure, the new primary paths are

established and the new recovery paths are established, page 2, paragraph [0028] and page 3, paragraphs [0029] and [0032]-[0035] and see abstract section); and

attempting to allocate a protection path to each of the identified active lightpaths (i.e., the new recovery paths provide protection paths in the event of a further fault, page 2, paragraph [0028] and page 3, paragraphs [0029] and [0032]-[0035] and see abstract section).

Regarding claims 2, 11 and 16, Weil et al teaches further comprising, responsive to the switching, releasing resources associated with the active lightpath (i.e., page 2, paragraph [0028] and page 3, paragraphs [0029] and [0032]-[0035] and see abstract section).

Regarding claims 3 and 10, Weil et al further teaches wherein the attempting begins immediately after the identifying and is performed each time an active lightpath is released in the network (i.e., page 2, paragraph [0028] and page 3, paragraphs [0029] and [0032]-[0035] and see abstract section).

Regarding claims 4, 5, 12, 13, 17 and 18, Weil et al further teaches the failure comprises a node failure or a link failure (i.e., page 2, paragraph [0028] and page 3, paragraphs [0029] and [0032]-[0035] and see abstract section).

Regarding claims 6 and 19, Weil et al further teaches the failure affects more than one active link (i.e., page 2, paragraph [0028] and page 3, paragraphs [0029] and [0032]-[0035] and see abstract section).

Regarding claims 7 and 20, Weil et al further teaches the switching is performed for each of the affected active links individually (i.e., page 2, paragraph [0028] and page 3, paragraphs [0029] and [0032]-[0035] and see abstract section).

Regarding claims 8, 14 and 21, Weil et al teaches further comprising: identifying all protection paths affected by the failure and releasing resources of all of the identified protection paths (i.e., page 2, paragraph [0028] and page 3, paragraphs [0029] and [0032]-[0035] and see abstract section).

Response to Arguments

4. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



HANH PHAN
PRIMARY EXAMINER